

ASSEMBLY BILL

No. 1576

Introduced by Assembly Member Liu

February 21, 2003

An act to amend Sections 19210, 19212, 19213, 19214, 19215, and 19216 of, and to add Section 19212.5 to, the Health and Safety Code, relating to water heaters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, as introduced, Liu. Water heaters: earthquakes.

(1) Existing law requires all new, replacement, and existing water heaters to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion, as specified.

This bill would expressly impose that requirement on all water heaters in rental housing, to be complied with by no later than July 1, 2005. Because violation of these provisions relating to earthquake protection is punishable as a misdemeanor under other provisions, this bill would impose a state-mandated local program by changing the definition of a crime.

The bill also would make technical changes to these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 19210 of the Health and Safety Code is amended to read:

19210. (a) The Legislature finds and declares that there exists a serious threat of fire, explosion, or electrocution to the people of California from water heaters that overturn or experience damage to the plumbing or electrical wiring during an earthquake, and that a large number of structures will suffer damage from water heaters due to the lack of adequate strapping or bracing. ~~The~~

(b) *The* Legislature further finds and declares that it is the goal of the State of California to reduce earthquake hazards in this state. ~~Therefore, it is the goal of the Legislature to ensure that all water heaters are strapped or properly anchored by the year 2000.~~

(c) *The* Legislature further finds and declares that the original state policy goal of having all water heaters strapped or properly anchored by the year 2000 has not been achieved, thereby exposing the residents of California to a continuing serious risk of injury or damage from water heaters overturned or demolished during earthquakes.

(d) *The* Legislature further finds and declares that occupants of rental housing in this state are vulnerable to the threat of fire, explosion, or electrocution from water heaters that overturn or experience damage during an earthquake, and are not authorized to strap, brace, or anchor water heaters in their units without the owner's advance approval, thus exposing them to hazardous conditions that they cannot mitigate.

SEC. 2. Section 19212 of the Health and Safety Code is amended to read:

19212. All water heaters manufactured for sale in California on or after July 1, 1991, shall include a statement in the installation instructions that water heater units must be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. The instructions provided by the manufacturer may include a reproduction of the generic installation instructions and standard details as prepared by the ~~Office~~ *Division* of the State Architect in accordance with Section 19215.

SEC. 3. Section 19212.5 is added to the Health and Safety Code, to read:

1 19212.5. Notwithstanding Sections 19100 and 19212, all
2 water heaters in rental housing units shall, by no later than July 1,
3 2005, be braced, anchored, or strapped to resist falling or
4 horizontal displacement due to earthquake motion. At a minimum,
5 any water heater shall be secured in accordance with the California
6 Plumbing Code, or modifications made thereto by a city, county,
7 or city and county pursuant to Section 17958.5.

8 SEC. 4. Section 19213 of the Health and Safety Code is
9 amended to read:

10 19213. Manufacturers shall add language to their instruction
11 label on the front of the water heater ~~which~~ *that* discloses the
12 danger of falling or horizontal displacement due to an earthquake.
13 The label shall contain the following language:

14
15 WARNING: THIS WATER HEATER MUST BE BRACED,
16 ANCHORED, OR STRAPPED TO AVOID FALLING OR
17 MOVING DURING AN EARTHQUAKE. SEE
18 INSTRUCTIONS FOR CORRECT INSTALLATION
19 PROCEDURES.

20
21 SEC. 5. Section 19214 of the Health and Safety Code is
22 amended to read:

23 19214. Any person who violates Section 19212, *19212.5*, or
24 19213 shall be deemed to have violated a provision of Chapter 4
25 (commencing with Section 17000) of Part 2 of Division 7 of the
26 Business and Professions Code.

27 SEC. 6. Section 19215 of the Health and Safety Code is
28 amended to read:

29 19215. The ~~Office~~ *Division* of the State Architect shall
30 prepare generic installation instructions with standard details
31 illustrating the strapping, bracing, and anchoring of water heaters
32 for typical installations in single-family homes that comply with
33 the requirements of the model codes. These details shall be made
34 available for reproduction to manufacturers and appliance
35 retailers at a cost to cover the state's cost to prepare the details, and
36 respond to requests.

37 SEC. 7. Section 19216 of the Health and Safety Code is
38 amended to read:

39 19216. At the point of sale, the retailer may provide the
40 consumer with generic installation instructions with standard

1 details approved by the ~~Office~~ *Division* of the State Architect. If
2 provided, these generic instructions are intended to be provided to
3 the consumer as a guide, and are not intended to supersede local
4 codes. The retailer and manufacturer are deemed not to be liable
5 for the generic instructions provided to consumers as long as these
6 have been approved by the ~~Office~~ *Division* of the State Architect,
7 as complying with the requirements of the model code in force on
8 the date of approval.

9 SEC. 8. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

